

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA ]

- against - ]

ARMANDO BOTTA ]

05CR30002-MAP

**MOTION TO COMPEL DISCLOSURE**

Now comes the Defendant ARMANDO BOTTA, by and through his attorney, Lori H. Levinson, and hereby moves pursuant to L.R. 116.6 for disclosure of information regarding promises, rewards or inducements, criminal history or description of pending criminal cases for one witness.

As grounds therefore, the defendant states that in the government's Discovery Letter, Section G (c., d. and e.) the government declined to provide such information, stating that "the government believes that providing this information at this time may cause harm to the witness." The government offers no specificity as to why this may be the case.

Such information is essential for the defense in order to enable the defendant and his counsel to adequately prepare for trial, which has been scheduled to commence before the Honorable Michael A. Ponsor on December 12, 2005. To date, the only discovery the defense has received include video and audio tapes and draft transcripts of those tapes, as well as information regarding promises, rewards or inducements, criminal history and description of pending criminal cases of one cooperating witness.

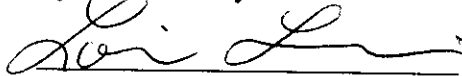
The government apparently did not believe that disclosure of such information regarding one of their witnesses would not lead to harm to that witness, and there is no reason to believe that disclosure of such information as regards another witness would lead to harm to that witness.

Disclosure of such information about a second witness is critical to the defendant, as it might clearly impact on a decision about whether to proceed to trial, as planned, or to attempt to arrive at a mutually agreeable disposition of the indictment short of trial. Without such disclosure, the defense is at an extreme disadvantage in not knowing what kind, or quality of evidence, the government has but has declined to disclose. Disclosure of the requested information would best serve the interests of justice in ensuring to the defendant a fair trial – a trial for which his counsel was able adequately to prepare for.

Accordingly, the defendant respectfully requests that this Court require the government, pursuant to L.R. 116.6, to demonstrate, by affidavit and supporting memorandum, why they should not be required to make the requested disclosure.

Respectfully submitted,  
ARMANO BOTTA

By His Attorney



Lori H. Levinson

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Dated: September 9, 2005